

1 Richard J Mooney (CA Bar No. 176486)
2 Adam Brezine (CA Bar No. 220852)
HOLME ROBERTS & OWEN LLP
3 560 Mission St., 25th Floor
San Francisco, CA 94105
4 Telephone: (415) 268-2000
Facsimile: (415) 269-1999
5 Attorneys for Plaintiffs

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EARTH ISLAND INSTITUTE, et al.,

Plaintiffs/Appellees,

V.

DONALD EVANS, et al.,

Defendants/Appellants.

Case No. C 03 0007 THE

Hon. Thelton E. Henderson

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME TO
RESPOND TO APPLICATION FOR
REASONABLE ATTORNEYS FEES
PENDING SETTLEMENT DISCUSSIONS**

WHEREAS, Plaintiffs-Appellees (collectively referred to as "Earth Island" or "Appellees") timely filed an Application for Reasonable Attorneys Fees Under the Equal Access to Justice Act ("Application") on June 25, 2007, in the Ninth Circuit Court of Appeals, along with a motion to transfer consideration of the Application to the District Court under Circuit Rule 39-1.8; and

WHEREAS, the Ninth Circuit Court of Appeals transferred consideration of the Application to this Court; and

WHEREAS, Counsel for the United States has indicated its intent to work with Earth Island to reach a settlement of this matter, and has requested that the time for the government to file a response to the Application not begin to run while the parties work toward such a settlement;

Stipulation and [Proposed] Order Extending Time to Respond to Fee Application
Earth Island Institute v. Evans, Case No. C-03-0007

1 IT IS HEREBY STIPULATED AND AGREED that the time for the United States to file
2 a response to the Application shall not begin to run while the parties attempt to settle the matter.
3 In the event the parties are unable to settle, Earth Island shall notify this Court, and the response
4 of the United States to the Application shall be due within 30 days after Earth Island files such
5 notification with the Court.

6 Dated: July 25, 2007

HOLME ROBERTS & OWEN LLP

8 By:



9
10 Richard J. Mooney
11 Attorneys for Earth Island

12 Dated: July 25, 2007

13 U.S. DEPARTMENT OF JUSTICE

14 By:

15 /s/ (submitted with consent)
16 Mark R. Haag
17 Attorneys for Federal Appellants

18 **SO ORDERED:**

19
20
21 United States District Court Judge

1 IT IS HEREBY STIPULATED AND AGREED that the time for the United States to file
2 a response to the Application shall not begin to run while the parties attempt to settle the matter.
3 In the event the parties are unable to settle, Earth Island shall notify this Court, and the response
4 of the United States to the Application shall be due within 30 days after Earth Island files such
5 notification with the Court.

6 Dated: July 23, 2007

HOLME ROBERTS & OWEN LLP

9 By:

10 Richard J. Mooney
11 Attorneys for Earth Island

12 Dated: July 23, 2007

13 U.S. DEPARTMENT OF JUSTICE

14 By:

15 *Mark R. Haag*
16 /s/ (submitted with consent)
17 Mark R. Haag
18 Attorneys for Federal Appellants

19 **SO ORDERED:** The parties shall file a joint status statement on or before Monday,
20 October 1, 2007

21 United States District Court Judge



22 Stipulation and [Proposed] Order Extending Time to Respond to Fee Application
23 Earth Island Institute v. Evans, Case No. C 03-0007